

# House File 771 - Enrolled

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HOUSE FILE 771

AN ACT

RELATING TO THE TIMING OF A MENTAL COMPETENCY HEARING FOR A  
PERSON ACCUSED OF A CRIMINAL OFFENSE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 812.4, subsection 1, Code 2005, is  
amended to read as follows:

1. A hearing shall be held within fourteen days of the  
~~filing of the order for an evaluation arrival of the person at~~  
~~a psychiatric facility for the performance of the evaluation,~~  
or within five days of the court's motion or the filing of an  
application, if the defendant has had a psychiatric evaluation  
within thirty days of the probable cause finding, and upon  
which the court decides to rely. Pending the hearing, no  
further proceedings shall be taken under the complaint or  
indictment and the defendant's right to a speedy indictment  
and speedy trial shall be tolled until the court finds the  
defendant competent to stand trial.

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CHRISTOPHER C. RANTS  
Speaker of the House

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JOHN P. KIBBIE  
President of the Senate

I hereby certify that this bill originated in the House and  
is known as House File 771, Eighty-first General Assembly.

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MARGARET THOMSON  
Chief Clerk of the House

Approved \_\_\_\_\_, 2005

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THOMAS J. VILSACK  
Governor